

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Lumos Networks, LLC and)	Proceeding No. 15-92
Lumos Networks of West Virginia Inc.)	File No. EB-15-MD-003
)	
For a Stay to Prevent the Removal of)	
Telecommunications Facilities)	
)	

ORDER OF DISMISSAL

Adopted: October 16, 2015

Released: October 16, 2015

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 14, 2015, Lumos Networks, LLC and Lumos Networks of West Virginia Inc. (Lumos) filed a petition for stay under Commission rule 1.1403(d), 47 C.F.R. § 1.1403(d), seeking to stop Frontier West Virginia, Inc. (Frontier) from removing Lumos's attachments to Frontier's poles.¹

2. On October 8, 2015, the parties filed a joint motion seeking dismissal of the Petition on the grounds that the "Nicholas County project – the project underlying Lumos's [Petition] – has been completed."²

3. We are satisfied that the parties have resolved their disagreement, and that granting the Motion will serve the public interest by promoting the private resolution of disputes and eliminating the need for further expenditure of time and resources by the parties and the Commission.

4. Accordingly, **IT IS ORDERED**, pursuant to sections 4(i), 4(j), and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), and 224, and the authority delegated in sections 0.111, 0.311, and 1.1401-1.1424 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401–1.1424, that the Motion is **GRANTED**.

¹ Petition of Lumos Networks, LLC and Lumos Networks of West Virginia Inc. for a Stay to Prevent the Removal of Telecommunications Facilities, File No. EB-15-MD-003, FCC Proceeding No. 15-92 (filed Apr. 14, 2015) (Petition). On April 29, 2015, Frontier filed an Answer. Answer to Petition to Stay, File No. EB-15-MD-003, FCC Proceeding No. 15-92 (filed Apr. 29, 2015).

² Joint Motion to Dismiss Petition for Stay, File No. EB-15-MD-003, FCC Proceeding No. 15-92, at 1, para. 2 (filed Oct. 8, 2015) (Motion).

5. **IT IS FURTHER ORDERED**, pursuant to Sections 4(i), 4(j), and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), and 224, and the authority delegated in Sections 0.111, 0.311, and 1.1401–1.1424 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401–1.1424, that the Petition is **DISMISSED WITH PREJUDICE**.

FEDERAL COMMUNICATIONS COMMISSION

Christopher L. Killion
Chief, Market Disputes Resolution Division
Enforcement Bureau